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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,966	03/30/2001	Lev Brouk	GRCN001/01US	3909
22434	7590	06/20/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			ZHONG, CHAD	
P.O. BOX 70250			ART UNIT	
OAKLAND, CA 94612-0250			PAPER NUMBER	
			2152	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/820,966

Applicant(s)

BROUK ET AL.

Examiner

Chad Zhong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 June 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-10 and 17-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 17-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>6/9/05</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____   |

### OFFICE ACTION

1. This action is responsive to communications: Amendment, filed on 1/25/2005. The finality of the office action dated 5/19/05 has been reconsidered and is now withdrawn. The Applicant should treat the current office action as non-final action.
2. Claims 1,3-10 and 17-79 are presented for examination. In amendment B, filed on 1/25/2005: claims 1, 3-4, 8, 17-23, 51 are amended.  
Claims 2, 11-16 are cancelled.
3. It is noted that although the present application does contain line numbers in specification and claims, the line numbers in the claims do not correspond to the preferred format. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.
4. Applicant's arguments with respect to claims 1,3-10 and 17-79 have been considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendments.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 51, 63 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. "computer program product" and "computer readable program code" is not operating on a tangible medium, thus rendering them non-statutory.

*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4, 7-8, 10, 17-29, 31-55, 57-74, 76-79 are rejected under 35 U.S.C. 103(a) as being anticipated by Cookmeyer, II et al. (hereinafter Cookmeyer), US 6,526,044, in view of Nakashima et al. (hereinafter Nakashima), US 6,470,385.

7. As per claim 1, Cookmeyer teaches a message routing method, comprising:

(a) receiving a message including a header element and at least one of a body element and an attachment (Col. 14, lines 25-35; Col. 17, lines 35-40; Col. 18, lines 20-30);

(b) determining a route path (Col. 10, lines 25-30; Col. 14, lines 25-30; Col. 16, lines 10-40; Col. 17, lines 20-25, Routers determines the path to take towards destination) for delivery of said message to one or more recipient services (Col. 17, lines 35-40; Col. 18, lines 20-30), said route path including one or more in-transit services wherein said determining being based on one or more of: a reference to a service identified in said header element (Col. 14, lines 35-67), a routing script defined by a sending service, a routing script defined by a recipient service, and a routing script defined by an in-transit service; and

(c) delivering said message to an in-transit service in said route path (Col. 14, lines 35-67, wherein the in-transit services monitors the statistics of the network), wherein said in-transit service performs an identifiable operation (Col. 14, lines 40-45) on said message as said message travels from a sending service to a recipient service,

Cookmeyer does not explicitly teach:

the identifiable operation altering the content of the message to ensure that message has the proper format for the recipient service

However, Nakashima teaches a network monitoring system to monitor status changes within network.

Nakashima discloses of a message format conversion technique to improve efficiency of the monitoring system.

Specifically, Nakashima teaches:

the identifiable operation altering the content of the message to ensure that message has the proper format for the recipient service (see for example, Col. 2, lines 50-55; Col. 3, lines 5-10)

It would have been obvious to combine teachings of Cookmeyer and Nakashima in order to eliminate redundant network traffic, improve the quality of data transmission and to improve efficiency in network monitoring activities (Col. 2, lines 20-35)

8. As per claim 4, claim 4 is rejected for the same reasons as rejection to claim 1 above.

9. As per claim 7, Cookmeyer teaches the message routing method of claim 4, wherein said data includes binary data (Col. 6, lines 10-15).

10. As per claim 8, Cookmeyer teaches the message routing method of claim 2, wherein said message further includes routing (Col. 15, lines 40-67; Col. 17, lines 35-67) and route trace elements (Col. 11, lines 25-35).

11. As per claim 10, Cookmeyer teaches the message routing method of claim 1, wherein said receiving includes receiving said message from a party that sends said message on behalf of a sender (Fig 9, item 162, 163, wherein item 163 receives messages send from 162 on behalf of the user).

12. As per claim 17, Cookmeyer teaches the message routing method of claim 1, wherein said

determining is recursive (Col. 11, lines 35-40; Col. 14, lines 35-67, wherein the packets/frames arrive periodically and routes are determined).

13. As per claim 18, Cookmeyer teaches the message routing method of claim 1, wherein said determining occurs prior to physical delivery of said message (Col. 14, lines 1-15, wherein the frames are captured analyzed for routes and other information prior to delivery to destination).

14. As per claim 19, Cookmeyer teaches the message routing method of claim 1, wherein said determining occurs dynamically during logical and physical delivery of said message (Col. 14, lines 1-15).

15. As per claim 20, Cookmeyer teaches the message routing method of claim 1, wherein a routing script defines a procedure that determines an existence of one or more attributes of the message (Col. 14, lines 35-67; Col. 15, lines 40-67).

16. As per claim 21, Cookmeyer teaches the message routing method of claim 1, wherein a routing script defines a procedure based on pattern matching (Col. 14, lines 35-67; Col. 15, lines 40-67).

17. As per claim 22, Cookmeyer teaches the message routing method of claim 1, wherein a routing script defines a procedure that compares one or more attributes of a message to a reference value (Col. 14, lines 35-67; Col. 15, lines 40-67).

18. As per claim 23, Cookmeyer teaches the message routing method of claim 1, wherein a routing script is based on a routing rule, said routing rule including a condition and one or more actions (Col. 15, lines 40-67; Col. 17, lines 35-67; Col. 18, lines 20-67).

19. As per claim 24, Cookmeyer teaches the message routing method of claim 23, wherein said

Art Unit: 2152

condition is one of an equals, not-equals, equals-one-of, less-than, greater-than, and exists operators (Col. 16, lines 9-15).

20. As per claim 25, Cookmeyer teaches the message routing method of claim 23, wherein said condition is a combination of one or more conditions (Col. 16, lines 9-15).

21. As per claim 26, Cookmeyer teaches the message routing method of claim 25, wherein said one or more conditions are combined using one or more of an AND, OR, XOR, and NOT operators (Col. 12, lines 15-45, wherein one event and symptoms can be based off of other events occurring or not occurring).

22. As per claim 27, Cookmeyer teaches the message routing method of claim 1, wherein said delivering includes pushing said message to said in-transit service (Col. 14, lines 1-10).

23. As per claim 28, Cookmeyer teaches the message routing method of claim 1, wherein said delivering includes delivering said message upon a polling action by said in-transit service (Col. 14, lines 1-10).

24. As per claim 29, Cookmeyer teaches the message routing method of claim 1, wherein said delivering includes delivering said message to said in-transit service for one of a data transformation operation, an enrichment operation, a cross-reference id mapping operation, a filtering operation, and a credit scoring operation (Col. 14, lines 25-67; Col. 15, lines 40-67).

25. As per claim 31, claim 31 is rejected for the same reasons as rejection to claim 18 above.

26. As per claim 32-48, claims 32-48 are rejected for the same reasons as rejection to claims 1, 19, 17-26 above respectively.

27. As per claim 49, Cookmeyer teaches the message routing system of claim 32, wherein said

message routing network provides a transport level messaging service (Col. 5, lines 60-67).

28. As per claim 50-51, claims 50-51 are rejected for the same reasons as rejection to claims 18 and 1 above respectively.

29. As per claim 52, Cookmeyer teaches a message routing network method, comprising:

(a) receiving a registration request from a service for inclusion in a message routing network, said service being operative to provide a data operation (Col. 8, lines 35-43; Col. 17, lines 43-50).

As for the remainder of claim 52, the remainder of claim 52 are rejected for the same reasons as rejection to combination of claims 1 and 2 above respectively.

30. As per claim 53, Cookmeyer teaches the message routing network method of claim 52, wherein said service provides a data transformation service (Col. 20, lines 16-34).

31. As per claim 54, Cookmeyer teaches the message routing network method of claim 52, wherein said service provides a data enrichment service (Col. 18, lines 25-67).

32. As per claim 55, Cookmeyer teaches the message routing network method of claim 52, wherein said service provides a cross-reference service (Col. 17, lines 35-67; Col. 18, lines 20-67).

33. As per claim 56, claim 56 is rejected for the same reasons as rejection to claim 29 above.

34. As per claim 57, Cookmeyer teaches the message routing network method of claim 52, wherein said service provides a credit scoring service (Col. 20, lines 15-35; Col. 21, lines 25-40).

35. As per claim 58, Cookmeyer teaches the message routing network method of claim 52, wherein a service is selected from said directory of services by a sending service (Fig 11A, B).

36. As per claim 59, Cookmeyer teaches the message routing network method of claim 52, wherein a



service is selected from said directory of services by a recipient service (Fig 11A, B).

37. As per claim 60, Cookmeyer teaches the message routing network method of claim 52, wherein a service is selected from said directory of service engines by an in-transit service (Fig 11A, B; Col. 17, lines 35-67; Col. 18, lines 20-67).

38. As per claim 61, claim 61 is rejected for the same reasons as rejection to claim 16 above. Further, the portion of claim 61 which states "said script mapping an invocation of a first service to an invocation of a second service, wherein contexts of said invocations are managed by said message routing network", is taught by Cookmeyer on the following sections (Col. 12, lines 15-45).

39. As per claim 62, claim 62 is rejected for the same reasons as rejection to claim 1 above.

40. As per claim 63, claim 63 is rejected for the same reasons as rejection to combination of claims 1 and 2 above.

41. As per claim 64, Cookmeyer teaches a message routing system, comprising: a message routing network having an interface that enables a plurality of services to post messages to and receive messages from said message routing network, at least a portion of said plurality of services providing a menu of data operations that can be selectively applied to a message traversing said message routing network (Col. 20, lines 15-35; Col. 21, lines 5-10).

42. As per claim 65, claim 65 is rejected for the same reasons as rejection to claim 49 above.

43. As per claim 66, Bowman teaches the message routing system of claim 65, wherein said message routing network is implemented on a public network (Col. 10, lines 25-30).

44. As per claim 67-74, 76-77, claims 67-74, and 76-77 are rejected for the same reasons as rejection

to claims 53-55, 29, 57-60, 12, and 61 above respectively

45. As per claim 78, claim 78 is rejected for the same reasons as rejection to combination of claims 1 and 2 above.

46. As per claim 79, claim 79 is rejected for the same reasons as rejection to claim 58 above.

48. Claims 6, 9 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookmeyer, II et al. (hereinafter Cookmeyer), US 6,526,044, in view of 'Official Notice'.

49. As per claim 9 and 75, Cookmeyer does not explicitly teaches the message routing system of claim 64, wherein said interface uses the simple object access protocol (SOAP). "Official Notice" is taken that the concept and advantages of providing for SOAP is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include SOAP with Cookmeyer because it would provide for means of communication between nodes on the network.

50. As per claim 6, Cookmeyer does not explicitly teach the message routing method of claim 4, wherein said data includes text data. "Official Notice" is taken that the concept and advantages of providing for text data in packet is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include text data with Cookmeyer because it would provide for another type of data supported within the data field of a packet.

51. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cookmeyer, II et al. (hereinafter Cookmeyer), US 6,526,044.

52. Regarding claims 3 and 5, although Cookmeyer doesn't specifically disclose the type of language

Art Unit: 2152

used to implement the messaging system, such limitations are merely a matter of design choice and would have been obvious in system of Cookmeyer. Cookmeyer teaches message monitoring system to keep track of statistics of the incoming messages, such data can be used for trouble shooting and debugging. The limitations in claims 3 and 5 do not define a patentably distinct invention over that in Cookmeyer since both the invention as a whole and Cookmeyer are directed to monitoring of the incoming messages in an in-transit service. The language of implementation is inconsequential for the invention as a whole and presents no new or unexpected results, so long as the message is analyzed and monitored by services. Therefore, to have the software platform implemented in XML in Cookmeyer would have been a matter of obvious design choice to one of ordinary skill in the art, XML is dynamically scalable, thus provide simplistic implementations adhering to user's needs.

53. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cookmeyer, II et al. (hereinafter Cookmeyer), US 6,526,044, in view of Eggleston et al. (hereinafter Eggleston), US 2002/0013854.

54. As per claim 30, Cookmeyer teaches the message routing method of claim 1, further comprising logging usage, status (Col. 14, lines 35-40; Col. 15, lines 40-50), after processing said message

Cookmeyer does not explicitly teach:

Logging billing information.

Eggleston teaches logging of billing information ([0056-0057]).

System of Eggleston provides centralized billing in order to allow users and their manager to control the level of messaging during a billing cycle.

It would have been obvious to combine teachings of Cookmeyer and Eggleston in order to provide for a centralized total in periodic billing statements, and to allow users and their managers to effectively manage the level of messaging during a billing cycle ([0006])

*Conclusion*

55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents and publications are cited to further show the state of the art with respect to "System and method for routing messages between applications".

- |      |            |                |
|------|------------|----------------|
| i.   | US 6529489 | Kikuchi et al. |
| ii.  | US 5255389 | Wang           |
| iii. | US 5333312 | Wang           |
| iv.  | US 6091714 | Sensel et al.  |

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chad Zhong whose telephone number is (571)272-3946. The examiner can normally be reached on M-F 7:15 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BURGESS, GLENTON B can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CZ  
June 10, 2005

